

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

Thomas Doyle  
Plaintiff

Case No: 10 CV 476  
15 U.S.C. 1692 Fair Debt Collection Practices Act  
("FDCPA")

vs.

Messerli and Kramer  
Defendants

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**FRCP 26 (f) DISCOVERY PLAN**

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The Parties in the above captioned case jointly submit this report on a proposed discovery plan. The parties conducted an FRCP 26(f) conference on August 3<sup>rd</sup> 2010. The Court has Ordered that parties meet and confer and file the following joint report.

- 1) **FRCP 26(f)(1) and (2).** The parties held an initial settlement conference telephonically. This matter does have a moderate possibility of early settlement. Barring same Plaintiff has set out that it intends to:
  - a. Amend his Pleadings once under Rule 15 in order to correct any technical deficiencies and to zero in on a Validation/Verification issue.
  - b. File a Motion for Partial Summary Judgment as soon as practicable, absent settlement.

Defendant does not anticipate amending the pleadings at this time. Defendant anticipates filing a dispositive motion. Although the parties are discussing settlement, Defendant would be open to a settlement conference with the magistrate judge after the close of discovery if the parties are unable to settle this matter.

- 2) The parties set forth the following discovery plan pursuant to FRCP 26(f)(3):
  - **FRCP 26(f)(3)(A)** Plaintiff has made initial disclosures to Defendants on July 23<sup>rd</sup> 2010. Defendant will make its initial disclosures pursuant to Rule 26(a) by August 31, 2010.
  - **FRCP 26(f)(3)(B)** Plaintiff has issued Interrogatories and Requests for Production to Defendant and Responses to same are due by September 6<sup>th</sup> 2010. Plaintiff's

Discovery centers around violations and compliance of 15 U.S.C. 1692 Fair Debt Collection Practices Act ("FDCPA").

Defendant intends to serve discovery regarding the allegations in Plaintiff's complaint and Defendant's answer by August 31, 2010.

- **FRCP 26(f)(3)(C)** Plaintiff anticipates the possibility of issues related to electronically stored information in the event of continued litigation.

Defendant does not expect to encounter issues regarding electronically stored information. Relevant electronic information will be produced in paper format.

- **FRCP 26(f)(3)(D)** Plaintiff, aside from attorney client privilege, does not anticipate any issues regarding privilege.

Defendant does not anticipate any issues regarding privilege, but reserves the right to assert the attorney-client privilege and work product doctrine.

- **FRCP 26(f)(3)(E)** Plaintiff does anticipate the need For the Court granting Plaintiff an Order allowing Amendment of the Complaint.

Defendant does not require any limitations to be imposed on discovery at this time.

- **FRCP 26(f)(3)(F)**

Defendant reserves the right to bring a motion for protective order, but will confer with Plaintiff in a good faith attempt to resolve any dispute prior to bringing such motion as required.

Dated this 18<sup>th</sup> of August 2010

VAITYS LAW LLC  
Attorneys for Plaintiff,  
Thomas Doyle

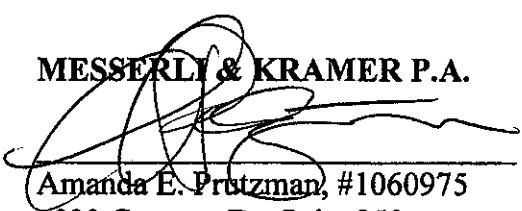
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Dated: August 18<sup>th</sup> 2010

**MESSERLY & KRAMER P.A.**

  
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